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8 Counsel for Defendant,
9 ISMAEL MARTINEZ

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,
14 PLAINTIFF,
15 v.
16 ISMAEL MARTINEZ,
17 DEFENDANT.

CR 19-650 RS

DEFENDANT'S SENTENCING MEMORANDUM

HONORABLE RICHARD SEEBORG
DATE: FEB. 4, 2020
TIME: 2:30 P.M.

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19 Ismael Martinez joins the government in requesting a sentence of credit for time served
20 pursuant to his Federal Rule of Criminal Procedure 11(c)(1)(A) and 11(c)(1)(B) plea agreement.
21 Mr. Martinez is 21 years old and homeless. He has no criminal record. On November 13, 2019,
22 he offered to sell a cocaine to an undercover officer in the Tenderloin. He was arrested and found
23 in possession of several small bindles of drugs. Despite his youth, despite the fact that he had no
24 criminal record, and despite the scale of his crime, Mr. Martinez was charged with a felony in
25 federal court. He was not afforded the opportunity to participate in a diversion program or any
26 of the other rehabilitative options that would be available in state court for a young, first-time,
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1 low-level offender. The 48 days he will have spent in custody on the day he is sentenced
2 constitute his longest (and only) jail sentence. He is almost certainly going to be deported upon
3 his release. A sentence of credit for time served is thus sufficient, but not greater than necessary,
4 to serve the goals of 18 U.S.C. § 3553(a) in this case.

5 Dated: January 29, 2020

6 Respectfully submitted,

7 STEVEN G. KALAR
8 Federal Public Defender

9 _____/S/
10 ELLEN V. LEONIDA
11 Assistant Federal Public Defender

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